

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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DOUGLAS MEYERHOFF,

Plaintiff,

-against-

MEMORANDUM AND ORDER

LOCAL UNION NO. 74 OF THE SERVICE
EMPLOYEES INTERNATIONAL UNION, AFL-CIO,

06-CV-2199 (SLT)(RER)

Defendant.
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TOWNES, United States District Judge:

Plaintiff, Douglas Meyerhoff, brings this action under the National Labor Relations Action (“NLRA”), 29 U.S.C. 151 *et seq.*, alleging that defendant, Local Union No. 74 of the Service Employees International Union, AFL-CIO, (“Local 74 ”), by inadequately representing him in arbitration proceedings subsequent to his termination of employment, breached its implied duty of fair representation. Pursuant to Fed. R. Civ. P. 12(b)(6), defendant moves to dismiss the complaint arguing that plaintiff’s action is barred by the statute of limitations. Magistrate Judge Ramon E. Reyes, Jr. has issued his Report and Recommendation (“R&R”) advising this Court to grant defendant’s motion and to dismiss plaintiff’s complaint in its entirety.

Mr. Meyerhoff has failed to file any objections. Accordingly, the court has reviewed the Report and Recommendation for clear error on the face of the record. *See* Advisory Comm. Notes to Fed. R. Civ. P. 72(b); *accord Edwards v. Town of Huntington*, No. 05 Civ. 339 (NGG) (AKT), 2007 U.S. Dist. LEXIS 50074, at *6 (E.D.N.Y. July 11, 2007); *McKoy v. Henderson*, No. 05 Civ. 1535 (DAB), 2007 U.S. Dist. LEXIS 15673, at *1 (S.D.N.Y. March 5, 2007). Having reviewed the record, I find no clear error. I hereby adopt the Report and Recommendation, in its entirety, as the opinion of the Court pursuant to 28 U.S.C. § 636(b)(1).

Therefore, the Clerk of Court is directed to enter judgment in favor of Local 74 dismissing plaintiff's complaint in its entirety.

SO ORDERED.

S/

SANDRA L. TOWNES
United States District Judge

Dated: Brooklyn, New York
September 27, 2007